

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: William B. Boyle et al.

Patent No.: 7,106,947

Issue Date: 09/12/2006

For: COMMUNICATING A CHANNEL-
CHANGE EVENT FROM A SET TOP BOX
TO A DIGITAL VIDEO RECORDER

Serial No.: 09/960,196

Filing Date: 09/20/2001

Examiner: Robert Chevalier

Docket No.: A0977

**REQUEST FOR CERTIFICATE OF CORRECTION
PURSUANT TO 35 U.S.C. § 254**

ATTN: Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

Dear Sir/Madam:

The following errors were noted in the above-referenced patent. Applicants hereby request that the Commissioner issue a Certificate of Correction, without charge.

In the Claims:

Column 9, Line 37:

Please delete "chance" and insert --change--. Attached as Exhibit A is a copy of the amendment filed June 27, 2006, which shows the correct wording of Claim 5, renumbered in the issued patent as Claim 4.

A Certificate of Correction (PTO/SB/44) is enclosed. No fee is believed to be due. However, the Commissioner is hereby authorized to charge payment of any required fees associated with this communication or credit any overpayment to Deposit Account No. 23-1209.

Respectfully submitted,

Date: March 4, 2008

By: /Stacey A. Mollohan/
Stacey A. Mollohan, Esq.
Reg. No. 48,257

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UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 7,106,947

APPLICATION NO.: 09/960,196

ISSUE DATE : September 12, 2006

INVENTOR(S) : Boyle et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Col. 9, Line 37: Delete "chance" and insert --change--.
(Claim 4, Line 17)

MAILING ADDRESS OF SENDER (Please do not use customer number below):

WESTERN DIGITAL TECHNOLOGIES, INC.

Attn: Intellectual Property Dept.

20511 Lake Forest Drive

Lake Forest, CA 92630

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

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3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
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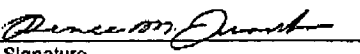
EXHIBIT A

JUN 27 2006



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TO: COMMISSIONER FOR PATENTS, U.S. PATENT & TRADEMARK OFFICE		
FAX NO: (571) 273-8300 (GENERAL/MAIN FAX LINE)		
NO. OF PAGES: Cover + 6		
CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on the date indicated below. Renee M. Franks Typed/Printed Name  Signature June 27, 2006 Date	APPLICATION NO.	09/960,196
	FILING DATE	09/20/2001
	FIRST NAMED INVENTOR	William B. Boyle, et al.
	ART UNIT	2621
	CONFIRMATION NO.	6651
	EXAMINER	Robert Chevalier
	ATTORNEY DOCKET NO.	K35A0977
TITLE	COMMUNICATING A CHANNEL-CHANGE EVENT FROM A SET TOP BOX TO A DIGITAL VIDEO RECORDER	

ATTACHED WITH THIS SUBMISSION:

1. Reply under 37 CFR 1.111 to Office Action dated June 7, 2006 (6 pages)

PLEASE CONFIRM RECEIPT OF THIS TRANSMISSION. IF THERE IS ANY PROBLEM WITH THIS TRANSMISSION, PLEASE CALL RENEE M. FRANKS AT (949) 672-7871.

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JUN 27 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: William B. Boyle, et al.

Serial No.: 09/960,196

Filing Date: 09/20/2001

For: COMMUNICATING A CHANNEL-
CHANGE EVENT FROM A SET TOP BOX
TO A DIGITAL VIDEO RECORDER

Art Unit: 2621

Examiner: Robert Chevalier

Confirmation No.: 6651

Docket No.: K35A0977

REPLY UNDER 37 CFR §1.111
TO OFFICE ACTION DATED JUNE 7, 2006

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office action mailed on June 7, 2006 for the above-identified patent application, please consider the following amendments and remarks.

Claim amendments begin on page 2 of this paper.

Remarks begin on page 6 of this paper.

JUN 27 2006

Art Unit 2621
Serial No. 09/960,196

Reply to Office Action of: June 7, 2006
Attorney Docket No.: K35A0977

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (currently amended) A digital video recorder (DVR) for use with a monitor and a set top box (STB), the STB for demodulating program data by tuning to at least one of a plurality of channels, the STB comprising a DVR interface, the DVR comprising
 - (a) a local memory for storing the program data received from the STB;
 - (b) a STB interface for communicating with the STB over the DVR interface; and
 - (c) a DVR controller for:
 - communicating control data to direct the STB to tune to a selected channel;
 - and
 - receiving a channel-change event from the STB in connection with the STB changing the tuned channel,

wherein the channel-change event is received by the DVR when a user directs the STB to change the tuned channel and before the STB changes the tuned channel.
2. (original) The DVR as recited in claim 1, wherein the channel-change event is received by the DVR after the STB changes the tuned channel.
3. (canceled)
4. (original) The DVR as recited in claim 2, wherein the DVR transmits a control signal to the STB authorizing the STB to change the tuned channel.

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Reply to Office Action of: June 7, 2006
Attorney Docket No.: K35A0977

5. (currently amended) A Set Top Box (STB) for use with a monitor and a digital video recorder (DVR), the DVR comprising a STB interface, the STB comprising:
 - (a) a tuner for demodulating program data by tuning to at least one of a plurality of channels, wherein the program data is communicated to the DVR for recording;
 - (b) a DVR interface for communicating with the DVR over the STB interface; and
 - (c) a STB controller for:
 - receiving control data from the DVR for directing the STB to tune to a selected channel; and
 - communicating a channel-change event to the DVR in connection with the STB changing the tuned channel,wherein the STB communicates the channel-change event to the DVR when a user directs the STB to change the tuned channel and before the STB changes the tuned channel.
6. (original) The STB as recited in claim 5, wherein the STB communicates the channel-change event to the DVR after the STB changes the tuned channel.
7. (canceled)
8. (original) The STB as recited in claim 6, wherein the STB receives a control signal from the DVR authorizing the STB to change the tuned channel.
9. (currently amended) A computer program embodied on a computer readable storage medium for use in a digital video recorder (DVR), the DVR for use with a monitor and a set top box (STB), the STB for demodulating program data by

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Reply to Office Action of: June 7, 2006
Attorney Docket No.: K35A0977

tuning to at least one of a plurality of channels, the DVR comprising a local memory, the computer program comprising code segments for:

- (a) receiving the program data from the STB;
- (b) storing the program data in the local memory;
- (c) communicating control data to direct the STB to tune to a selected channel; and
- (d) receiving a channel-change event from the STB in connection with the STB changing the tuned channel,

wherein the channel-change event is received by the DVR when a user directs the STB to change the tuned channel and before the STB changes the tuned channel.

10. (currently amended) A computer program embodied on a computer readable storage medium for use in a set top box (STB), the STB for use with a monitor and a digital video recorder (DVR), the computer program comprising code segments for:
- (a) demodulating program data by tuning to at least one of a plurality of channels;
 - (b) communicating the program data to the DVR for recording;
 - (c) receiving control data from the DVR for directing the STB to tune to a selected channel; and
 - (d) communicating a channel-change event to the DVR in connection with the STB changing the tuned channel,
- wherein the STB communicates the channel-change event to the DVR when a user directs the STB to change the tuned channel and before the STB changes the tuned channel.

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Reply to Office Action of: June 7, 2006
Attorney Docket No.: K35A0977

REMARKS

REJECTION UNDER 35 USC § 101

The examiner rejected claims 9-10 under 35 USC §101 for claiming non-statutory subject matter.

Claims 9-10 are in a format commonly referred to as a Beauregard claim (*In re Beauregard*, 53 F.3d 1583 (Fed. Cir. 1995)). Pursuant to *In re Beauregard*, the USPTO has published Examination Guidelines for Computer-Related Inventions, which on page 9 specifically state that "a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the medium which permit the data structure's functionality to be realized, and is thus statutory." Accordingly, claims 9-10 claim statutory subject matter under 35 USC §101.

REJECTION UNDER 35 USC § 102

The examiner rejected claims 1-2, 4-6 and 8-10 under 35 U.S.C. § 102(e) as anticipated by U.S. patent application no. 2002/0170073 issued to Miller *et al.* The above claim amendments overcome this rejection by incorporating limitations of dependent claims previously deemed allowable.

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Serial No. 09/960,196

Reply to Office Action of: June 7, 2006
Attorney Docket No.: K35A0977


CONCLUSION

In view of the foregoing amendments and remarks, the applicant respectfully submits that the pending claims are now in condition for allowance and requests reconsideration of the rejections. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 23-1209.

Respectfully submitted,

Date: June 27, 2006

By: 
Jason T. Evans, Esq.
Reg. No. 57,862

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